IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 26874 of 2007(Y)

PETITIONER:

MOOLAKKAL MOOSAN, S/O.MAMMY,
AGED 55 YEARS, NOORMAHAL, KOTTUVAYAL,
SREEKANDAPURAM P.O., THALIPARAMBA,
KANNUR DISTRICT.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENTS:

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1. SREEKANDAPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SPECIAL GRADE SECRETARY,
SREEKANDAPURAM GRAMA PANCHAYATH, THALIPARAMBA,
KANNUR DISTRICT.

2. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ENVIRONMENT ENGINEER, KANNUR
DISTRICT OFFICE, KANNUR.

3. P.B.RAFEEQUE, BEEVIRAKATHU
PUTHIYAPURAYIL, S/O.K.T.IBRAHIM, KOTTOORVAYAL,
SREEKANDAPURAM, THALIPARAMBA, KANNUR.

R2 BY ADV.SMT.K.K. THULASIBHAI, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26874 OF 2007

Dated this the 10th day of September, 2007

JUDGMENT

The grievance of the petitioner is that the 1st respondent Panchayat is going to issue licence to the 3rd respondent for the conduct of a rice and flower mill, despite Ext.P1 objections submitted before the Panchayat. Petitioner has a further grievance that the 2nd respondent is not inclined to hear the petitioner who has filed Ext.P2 objections to the 3rd respondent's application for consent, in the matter of operating the proposed rice and flower mill.

2. Smt.K.K. Thulasi Bhai, taking notice on behalf of the 2nd respondent, Pollution Control Board, submits that it is likely that the Panchayat has already issued licence to the 3rd respondent. But, Sri.Sunil Nair, learned counsel for the petitioner asserts that to the petitioner's knowledge so far neither the Pollution Control Board has issued any consent to the 3rd respondent nor the Panchayat has issued any licence.

Under these circumstances, I dispose of the Writ Petition itself issuing the following directions:

If the 2nd respondent has not so far issued any consent to the 3rd respondent in the matter of conduct of rice and flower mill by the 3rd

respondent within the area of the 1st respondent Panchayat, the 2nd respondent will hear the petitioner also before any consent is issued to the 3rd respondent apart from hearing the 3rd respondent. Similarly, there will be a direction to the 1st respondent to pass final orders on the 3rd respondent's application for issuance of licence of conduct of rice and flower mill, if final orders are not so far passed, only after hearing the petitioner also apart from hearing the 3rd respondent. The petitioner is directed to serve a copy of this judgment by registered post acknowledgment due to the 3rd respondent and to the 1st respondent as soon as he receives copy of this judgment.

PIUS C. KURIAKOSE, JUDGE

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